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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,744	01/27/2004	Mark Robert Mason	878.0006.U2(US)	2500
29683	7590	01/12/2006	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			BUI, BING Q	
			ART UNIT	PAPER NUMBER

2642

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/765,744	<b>Applicant(s)</b> MASON ET AL.	
	<b>Examiner</b> Bing Q. Bui	<b>Art Unit</b> 2642	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/915,996.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 27 June 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application Number 08/915,996 is now US Patent No. 6,724,892 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-60 are rejected under 35 U.S.C. 102(b) as being anticipated by McDowell (US Pat No. 5,073,054), cited by Applicant.

Regarding claim 21, referring to figure 4, McDowell teaches a radiophone comprising:

a display for displaying data (42, fig 4; and col. 4, lns 23-32);

soft key means arranged adjacently below the display (43-48, fig 4; and col. 4, lns 23-32); and

scroll key means for scrolling data on the display (48, fig 4; and col. 4, lns 23-32);

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wherein the scroll key means has first and second portions which are diagonally offset from one another and positioned adjacently below the display and positioned laterally adjacent to the soft key means (48, fig 4; and col. 4, lns 23-32); and

wherein the radiophone is arranged such that depression of the first portion of the scroll key means actuates a first scrolling action (48, fig 4; and col. 4, lns 23-32); and

depression of a second portion of the scroll key means actuates a second scrolling action (48, fig 4; and col. 4, lns 23-32).

Regarding claim 22, referring to figure 4, McDowell teaches the radiophone as claimed in claim 21, wherein the first scrolling action scrolls data an upward direction and the second scrolling action scrolls data in a downward direction (48, fig 4; and col. 4, lns 23-32).

Regarding claim 23, referring to figure 4, McDowell teaches the radiophone as claimed in claim 21, wherein the first portion is to the right of the second portion and closer to the top of the radiophone such that a user holding the radiophone in a right hand can depress the first and second portions with a thumb of the right hand by merely pivotally moving the thumb in an arc about a socket of the thumb and without unnatural extension of the thumb (48, fig 4; and col. 4, lns 23-32).

Regarding claim 24, referring to figure 4, McDowell teaches the radiophone as claimed claim 21, wherein the first scrolling action is shifting the data by one position on the display in the first direction (48, fig 4; and col. 4, lns 23-32).

Regarding claim 25, referring to figure 4, McDowell teaches the radiophone as claimed 1, wherein the data comprises text (42, fig 4; and col. 4, Ins 23-32).

Regarding claim 26, referring to figure 4, McDowell teaches the radiophone as claimed in claim 21, wherein the radiophone comprises a user interface and a controller unit connected to the user interface, the user interface comprising the display and a keypad having the soft key whose function is controlled by the controller unit and is displayed in a predetermined part of the display (48, fig 4; and col. 4, Ins 23-32).

Regarding claim 27, referring to figure 4, McDowell teaches the radiophone as claimed in claim 21, wherein the radiophone is capable of assuming a plurality of states in which a group predetermined actions associated with the state concerned may be performed by means of the soft key, with a controller unit displaying an action from the group of actions as a default function (43-48, fig 4; and col. 4, Ins 23-32).

Regarding claim 28, referring to figure 4, McDowell teaches the radiophone according to claim 21, wherein the scroll key means allows a user to selectively jump down between preceding or succeeding items at a location in a menu loop (48, fig 4; and col. 4, Ins 23-32).

Regarding claim 29, referring to figure 4, McDowell teaches the radiophone according to claim 21, wherein the scroll key means allows user to switch from a default function to a group of functions to which the default function belongs (48, fig 4; and col. 4, Ins 23-32).

Regarding claim 30, referring to figure 4, McDowell teaches the radiophone as claimed in claim data is a menu option (42-43, fig 4; and col. 4, Ins 23-32).

Regarding claim 31, referring to figure 4, McDowell teaches the radiophone as claimed in claim 21, arranged to provide a phone book function, wherein the first scrolling action replaces a first phone number on the display with a second phone number (43b, fig 4; and col. 4, lns 23-32).

Regarding claim 32, referring to figure 4, McDowell teaches the radiotelephone as claimed in claim 21, wherein the first scrolling action is scrolling data in a first direction and wherein the second scrolling action is scrolling data in second direction, and wherein the second direction is opposite to the first direction.

As to claims 33-60, they are rejected for the same reasons set forth to rejecting claims 21-32.

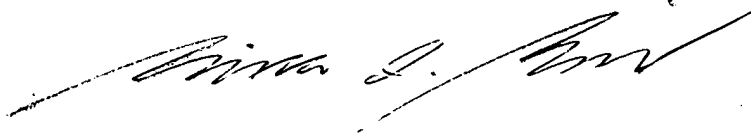
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

04 Jan 2006

A handwritten signature in black ink, appearing to read "Bing Q. Bui", with a long horizontal stroke extending to the left.

**BING Q. BUI**  
**PRIMARY EXAMINER**